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Federal Communications Commission
Washington, D.C. 20554

January 13, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Sam Johnson
U.S. House of Representatives
1912 Avenue K
Plano, Texas 75074

Dear Congressman Johnson:

This letter responds to your correspondence concerning the Commission's Notice of Proposed Rulemaking (Notice) in PR Docket #93-81, to develop regulations for Automatic Vehicle Monitoring (AVM) systems operating in the 902-928 MHz band. In your letter you enclose correspondence from James J. Griffin, Executive Director of the Texas Turnpike Authority. Mr. Griffin urges that the interests of toll tag systems receive careful consideration as the Commission moves this matter to resolution. Senator Gramm and Senator Hutchinson also forwarded Mr. Griffin's letter to us.

As you know, the Commission has the responsibility for ensuring spectrum use that best serves the public interest. This often requires striking a balance among competing uses. The Commission must not only evaluate tangible effects, but also the potential benefit particular uses present. Determining the most beneficial use demands merging technical, economic and legal disciplines and is as difficult as it is complex. Parties participating in the proceeding have represented wide and varied views, including wide-area AVM service providers, local-area AVM providers such as toll tag readers, manufacturers and users of Part 15 equipment, and Amateur operators. The review of the 902-928 MHz band reflects the Commission's endeavor not simply to accept the status quo, but to implement a structure that best meets the public interest.

The shared use of 902-928 Mhz frequency band by various groups makes this challenge even more difficult. The present priorities for access to this band that have been established among these groups is an important starting point. Users with lower priority generally must accept interference from and may not cause interference to users that have a higher priority. Specifically, the 902-928 MHz band is primarily allocated for use by the federal government for Radiolocation, Fixed and Mobile services, yet the federal government users must accept interference from Industrial, Scientific and Medical (ISM) devices. Following the federal government and ISM devices on the priority scale are AVM systems. Next are Amateur radio operators and then the Part 15 users that are eligible to operate in this band. As the lowest priority, Part 15 users are not permitted to cause interference to any of the other users.

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In the Part 15 area, the Commission is aware of the significant development in unlicensed devices. As you note, the range of new radio products serving the public and business and demonstrates significant investment and productivity gains. Part 15 products operate in numerous frequency bands throughout the radio spectrum. In the 902-928 MHz band alone, the Commission has authorized more than 20 different types of products for operation in this spectrum to more than 130 manufacturers. The Commission receives about 20 applications a month for approval of products in this part of the spectrum.

With regard to AVM, the current interim rules governing operations of AVM systems have been in place for 20 years. The Commission's record reflects that AVM systems have become the focus of increased investment opportunities. There is significant promise for enhancing public safety and convenience through its ability to track vehicles, collect tolls, determine traffic patterns and congestion, and reroute traffic. Mr. Griffin articulates well the importance this technology to not only Texas, but to state and local governments throughout the country. Moreover, AVM holds substantial promise of enhancing the efficiency and effectiveness for private sector transportation activities. Overall, advocates assert that beyond the substantial economic and safety benefits that will accrue, AVM will reduce commuter travel time and highway congestion, as well as decrease energy consumption and pollution.

One of the fundamental issues that must be confronted by the Commission is the level of interference that can be tolerated among and between the various users of this spectrum. Several parties argue that some of the planned AVM systems, primarily those that would be used to track vehicles with multilateration technology, rely on weak signals that are easily interfered with. The source of the interference is generally perceived to emanate from Part 15 devices as well as other AVM systems. Advocates on behalf of Part 15 devices express similar concerns regarding interference but more significantly regarding Part 15 devices' non-interference requirements and the continued viability to operate in the 902-928 MHz band. As you can understand, the advocacy on behalf of any one party tends to urge the primacy of that party's own interests, exclusive of others.

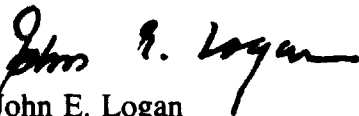
In this proceeding, the issues that must be resolved essentially revolve around whether accommodation is possible. Beyond comprehending the legitimate expectations of consumers and manufacturers of Part 15 devices as well as recognizing the potential of AVM, is the need to adopt permanent rules regarding this band. The ability to expand the use of the band while at the same time determining the degree to which different users can coexist requires

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insight into technological limitations as well as the economic costs at stake. The proficiency of the parties themselves to resolve interference is a significant element. In weighing the various options and issues, ranging from the degree of spectrum sharing to the means of assigning licenses, the Commission is sincerely committed to a structure that will best enhance competition and choice.

As the Commission seeks to move this matter to resolution, we appreciate very much receiving your letter. Please be assured that Mr. Griffin's views are being given careful consideration and are important to the Commission's evaluation. Please call upon us if we can provide any additional information.

Sincerely,


John E. Logan
Deputy Director
Office of Legislative and
Intergovernmental Affairs

SAM JOHNSON
3D DISTRICT, TEXAS

1030 LONGWORTH HOUSE
OFFICE BUILDING
WASHINGTON, DC 20515-4303
(202) 225-4201

9400 N. CENTRAL EXPRESSWAY
SUITE 610
DALLAS, TX 75231
(214) 738-0182

1912 AVENUE K
SUITE 204
PLANO, TX 75074
(214) 423-2017

Congress of the United States
House of Representatives
Washington, DC 20515-4303

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December 21, 1994

Ms. Lauren J. Belzin
Acting Director
Federal Communications
Commission
Room 808, 1919 M Street, N.W.
Washington, D.C. 20554

Re: Mr. James W. Griffin
PO Box 190369
Dallas, TX 75219-0369

Dear Ms. Belzin:

The enclosed correspondence was forwarded to me.

Please review this information and advise me of what action can be taken by your office to be of assistance in this matter.

Please forward your response to me at the following address:

1912 Avenue K
Suite 204
Plano, Texas 75074

Should you have any questions or concerns about this case, please contact Jerry Durham of my district staff at 214/423-2017.

Your consideration in this matter is appreciated.

Sincerely,



SAM JOHNSON
Member of Congress

SJ/jd

enclosure



Administration
3015 Rutledge Street
P.O. Box 190349
Dallas, Texas 75219
Phone (214) 522-6200

Date: December 20, 1994Time: 4:50 p.m.

Fax No. (214) 522-4826

TO: Jerry Durham FAX: 739-2183Company Name: U.S. Congressman Sam JohnsonFROM: James W. Griffin TEL: 522-6200Executive Director

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 Dallas, Texas 75219
 Phone 214/522-6200
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December 20, 1994

The Honorable Sam Johnson
 United States House of Representatives
 9400 North Central Expressway, Suite 610
 Dallas, Texas 75231

Dear Congressman Johnson:

The Texas Turnpike Authority (the "TTA"), an agency of the State of Texas, invites the prestige and assistance of your office to join in an effort with the TTA to represent and protect the interest of the citizens of Texas in an action pending before the Federal Communications Commission (the "FCC").

The TTA automatic vehicle identification system (commonly known as toll tags) in use on the Dallas North Tollway (the "DNT") has enjoyed wide public subscription and support as a tool for improving the efficiency of the collection of tolls and the operation of the DNT, thereby saving the patrons' time, inconvenience, and exposure to the elements as well as increasing travel safety and benefiting the environment through reduction of air pollution and noise. Currently, there are approximately 80,000 Texas subscribers to the DNT toll tag system; the TTA expects that number to increase dramatically over the next several years.

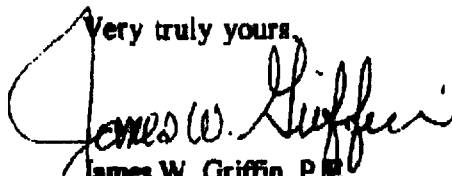
The toll tag system operates by means of radio frequencies controlled and granted by the FCC. Currently pending before the FCC is PR Docket 93-61, a matter in which the FCC will vote on spectrum availability for use in automatic vehicle monitoring ("AVM"). The AVM Systems operate within the broad frequency range of 902-928 MHz. The FCC is seriously considering narrowing the available range of frequencies within this broader band and auctioning frequencies that it does not reserve for public agency use in AVM.

The current system TTA is operating and improvements anticipated for that system require that 14 contiguous MHz be reserved for effective operation. It is our understanding that the FCC currently is considering reserving only ten (10) contiguous MHz of spectrum for use in this application; 10 contiguous channels are inadequate for the current and planned use of the DNT AVM technology.

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The TTA is seeking your assistance by your contacting Chairman Reed Hundt of the FCC. It is urgent for the TTA and your constituents who subscribe to the toll tag systems in this state, including those citizens who subscribe to a similar AVM System utilized by the Harris County Toll Road Authority, that the FCC grant 14 contiguous MHz of spectrum to AVM use by the TTA. We believe FCC action on this matter is imminent; therefore, your early contact with the FCC is of vital importance to the TTA and to those constituents that may be subscribers to the TTA toll tag system. Our contact in the FCC has been Ms. Ruth Milkman, Senior Legal Advisor, phone 202-418-1000, fax 202-418-2801. Your assistance will be greatly appreciated by the staff and directors of the TTA as well as patrons of the toll tag system.

Very truly yours,


James W. Griffin, P.E.
Executive Director

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December 16, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20006
STOP CODE: 1170

Re: Ex Parte Communication in FR Docket No. 93-61
Automatic Vehicle Monitoring (AVM)

Dear Mr. Caton:

This is to notify you that I spoke by telephone with Ms. Ruth Milkman, Senior Legal Advisor to Chairman Hundt, on December 14 concerning this proceeding. As a major user of the tag type of AVM technology, I emphasized to Ms. Milkman the need for licenses of this type of AVM to continue to have access to at least 14 MHz of contiguous spectrum in the 902 - 928 MHz band. Even this would be less than the 16 MHz to which we currently share access. Currently, we utilize a read-only technology. As such we operate facilities in both the 904 - 912 and 918 - 926 MHz sub-bands. In order to make future improvements to operate the new generation of read-write tags, we will continue to need access to at least two six MHz channels and 14 MHz contiguous. This bandwidth will make it possible for us not only to have some flexibility in resolving interference by shifting the center of the channel so as to work with other users of the spectrum but also will facilitate use of portable readers by public safety personnel.

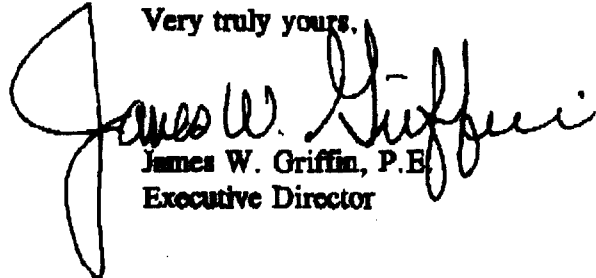
Yesterday, I spoke with Mr. Ron Netro of the Wireless Telecommunications Bureau of the Commission and covered the same points with him.

As one of the nation's first users of tag technology in an AVM application, the Texas Turnpike Authority urges the Commission to continue to make spectrum available in the 902- 928 MHz band for such systems. The Texas Turnpike Authority today has approximately 80,000 toll tags in use. Such users as well, as this state agency, who daily depend on this would be ill-served

and the substantial public investment made for such systems would be wasted by a failure to continue to provide suitable spectrum for this very efficient means of managing toll transactions. In metropolitan areas, the toll tag system acceptance and use by the public has had an extraordinarily positive impact on area social wellbeing by materially reducing traffic congestion and its attendant air pollution.

Your assistance in ensuring that the United States tolls industry is protected from regulatory action eroding its ability to utilize available sophisticated electronic technology to benefit the public will be widely appreciated; reservation of a minimum of 14 of contiguous MHz is vital to this public service.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James W. Griffin". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James W. Griffin, P.E.
Executive Director

tr

cc: Ms. Ruth Milkman
Mr. Ron Netro